

**United States Copyright Office**Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6001 · www.copyright.gov**SENT BY MAIL AND FAX**

February 27, 2008

Stewart Levy, Esq.
Eisenberg, Tanchum & Levy
675 Third Avenue
New York, New York 10017

Dear Mr. Levy:

Thank you for your letter of February 4, 2008 in which you shared an exchange you had recently with a federal judge in which he raised questions concerning a renewal interest owned by a publisher which had been registered in 1988 in the name of the author "in care of" the publisher. I appreciated our follow-up discussion on February 25th in which you stated that you represented the publisher who had secured interests in the renewal through assignment. You requested a clarification as to the practices of the Copyright Office with respect to reflecting the ownership interests of assignees of statutory renewal claimants.

As we discussed, the law pertaining to renewal interests changed dramatically in 1992 when the Copyright Renewal Act of 1992,¹ took effect. In addition to making registration of renewal interests optional, the law relaxed the manner in which claims to the renewal interest could be registered. The most significant change was to allow for registration not only in the name of the author or other statutory beneficiary of the interest, but also in the name of certain authorized assignees of the interest, with the caveat that the author or other statutory beneficiary also be named. That provision provides as follows:

(3)(A) An application to register a claim to the renewed and extended term of copyright in a work may be made to the Copyright Office —

(i).....

(ii) at any time during the renewed and extended term by any person in whom such further term vested, under paragraph (2)(A) or (B), or by any successor or assign of such person, if the application is made in the name of such person.

¹ Pub. L. No. 102-307, 112 Stat. 264 (1992).

EXHIBIT B

Stewart L. Levy

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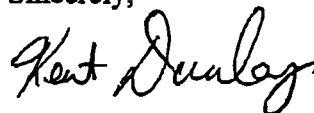
As a result of the above change in the law, the forms were amended to permit registration in the name of an assignee, as long as the name of the statutory beneficiary was also disclosed.

Previous to 1992, renewal registrations had to be made in the name of the statutory beneficiary. This policy is still reflected in the *Compendium of Copyright Office Practices II*, written in 1984. Section 1319.06 under the title "Unacceptable renewal claims" provides as follows: "Assignment of renewal interests. Registration must be made in the name of the statutory claimant, even though the statutory claimant has assigned all of his or her interests in the renewal term. For example, registration cannot be made in the names of an "assignee," "proprietor," "attorney in fact," or "owner per agreement." Assignees of the statutory claimant had to reflect their ownership by recording a document under section 205 of the copyright law. Should the author repurchase the renewal from the publisher/assignee, that transaction likewise could be recorded under section 205. In general, recordation under section 205 is the means provided in the copyright law for updating ownership changes in works under federal copyright protection.

The expanded registration options for assignees does not negate the previous registration practice of reflecting assignments by recording the assignments under section 205. To the extent that a renewal registration designates the statutory beneficiary as the owner of the renewal interest, a separate assignment could be recorded indicating that ownership of the renewal interest was transferred to the publisher. Moreover, in instances where there are more than one transfer, resort to recordation of at least some of the assignments under section 205 will be required in order to reflect a complete and accurate record of copyright information.

I hope you find the information provided in this letter to be helpful to you and your client.

Sincerely,



Kent Dunlap
Principal Legal Advisor for
the General Counsel

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